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Attorneys for Plaintiffs
FULL CIRCLE SALES, INC., *et al.*

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

FULL CIRCLE SALES, INC., a Montana corporation; GROWERS EXPRESS, LLC, a limited liability company; STEINBECK COUNTRY PRODUCE, INC., a corporation; STEVE W. ALMQUIST d/b/a STEVE ALMQUIST SALES AND BROKERAGE; DANIEL ANDREWS doing business as DAN ANDREWS FARMS, a sole proprietorship; FRESH NETWORK, LLC, a limited liability company; QUEBEC DISTRIBUTING CO., INC., a corporation,

Plaintiffs,

v.

ORGANIC ALLIANCE, INC., a Nevada corporation,

Defendant.

CASE NO. 11-CV-03402 LHK

**JOINT STIPULATION TO
CONTINUE CASE MANAGEMENT
CONFERENCE AND HEARING ON
DEFENDANT'S MOTION TO
DISMISS PLAINTIFFS' FIRST
AMENDED COMPLAINT**

COMES NOW, Plaintiffs FULL CIRCLE SALES, INC. (“FCS”), GROWERS EXPRESS, LLC (“GROWERS”), STEINBECK COUNTRY PRODUCE, INC. (“STEINBECK”), STEVE W. ALMQUIST d/b/a STEVE ALMQUIST SALES AND BROKERAGE (“ALMQUIST”), DAN ANDREWS FARMS (“ANDREWS”), FRESH NETWORK, LLC (“FRESH”), and QUEBEC DISTRIBUTING CO., INC. (“QUEBEC”)(referred to collectively as “Plaintiffs”), and Defendant ORGANIC ALLIANCE, INC. (hereinafter referred to as “OA” or “Defendant”)(Plaintiffs and OA are sometimes referred to collectively as “the Parties”), by and through their respective counsel of record as set forth below, and stipulate as follows:

i. WHEREAS, on January 4, 2012 [Docket Number 35], the above-captioned Court issued an Order which set a Case Management Conference before Judge Lucy H. Koh on March 15, 2012 at 1:30 p.m.;

ii. WHEREAS, Defendant has also filed a Motion to Dismiss Plaintiffs’ First Amended Complaint, which is currently set for hearing on March 15, 2012 at 1:30 p.m. in Department 8 of the U.S. District Court for the Northern District of California;

iii. WHEREAS, counsel for the Parties have continued to discuss the possibility of a global settlement that would result in resolution of this entire matter and dismissal of this case in its entirety; however, this settlement is contingent on events that are scheduled to occur concerning stock offerings, and due to the fact that Defendant is a publicly traded company, said stock offerings are subject to numerous S.E.C. regulations, and requirements include completion of certain financial audits. Once these audits are completed, the stock offering can occur which would raise capital to fund any settlement

1 with Plaintiffs and it is through this procedure that the Parties anticipate resolving this
2 matter through settlement and dismissal of this action in its entirety;

3 iv. WHEREAS, Defendant has informed counsel for Defendant that the
4 required audits will be completed and the stock offering will occur within the next 60
5 days. Therefore, the Parties agree that continuing the Case Management Conference and
6 the Hearing on Defendant's Motion to Dismiss Plaintiffs' First Amended Complaint and
7 related deadlines for approximately 60 days will make the best use of the Court's time
8 and resources and could result in a resolution and dismissal of this matter in its entirety;

9 v. WHEREAS, the Parties agree that the Case Management Conference and
10 Defendant's Motion to Dismiss Plaintiffs' First Amended Complaint should be continued
11 for approximately 60 days from March 15, 2012 until a date to be set by the Court on or
12 after May 15, 2012 before the Honorable Judge Lucy H. Koh, United States District
13 Court Judge.

14 NOW, THEREFORE, the parties stipulate as follows:

- 15 1. The Case Management Conference currently scheduled for March 15, 2012
16 shall be taken off calendar and continued for approximately 60 days to a
17 date to be set by the Court before the Honorable Judge Lucy H. Koh,
18 United States District Court Judge;
- 19 2. The Joint Case Management Conference Report shall be due one week
20 prior to the date the Court sets for the continued Case Management
21 Conference; and
- 22 3. Defendant's Motion to Dismiss Plaintiffs' First Amended Complaint
currently scheduled for March 15, 2012 shall be taken off calendar and

continued for approximately 60 days to a date to be set by the Court before
the Honorable Judge Lucy H. Koh, United States District Court Judge.

IT IS SO STIPULATED.

Respectfully submitted,

RYNN & JANOWSKY, LLP

DATED: March 2, 2012

By: /s/ Bart M. Botta
BART M. BOTTA, Attorneys for
Plaintiffs

**OTTONE LEACH OLSEN & RAY,
LLC**

DATED: March 2, 2012

By: /s/ Anne Frassetto Olsen
ANNE FRASSETTO OLSEN, Attorneys
for Defendant Organic Alliance, Inc.

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UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

FULL CIRCLE SALES, INC., a Montana corporation; GROWERS EXPRESS, LLC, a limited liability company; STEINBECK COUNTRY PRODUCE, INC., a corporation; STEVE W. ALMQUIST d/b/a STEVE ALMQUIST SALES AND BROKERAGE; DANIEL ANDREWS doing business as DAN ANDREWS FARMS, a sole proprietorship; FRESH NETWORK, LLC, a limited liability company; QUEBEC DISTRIBUTING CO., INC., a corporation,

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ORGANIC ALLIANCE, INC., a Nevada corporation,

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CASE NO. 11-CV-03402 LHK

**~~[PROPOSED]~~ ORDER CONTINUING
CASE MANAGEMENT
CONFERENCE AND HEARING ON
DEFENDANT'S MOTION TO
DISMISS PLAINTIFFS' FIRST
AMENDED COMPLAINT**

1 Having read and considered the Stipulation filed herein, and good cause appearing
2 therefor,

3 IT IS HEREBY ORDERED as follows:

- 4 1. The Case Management Conference currently scheduled for March 15, 2012
5 shall be taken off calendar and continued for approximately 60 days to
6 June 28, 2012, at 2:00 p.m. before the Honorable Judge Lucy H.
7 Koh, United States District Court Judge;
- 8 2. The Joint Case Management Conference Report shall be due one week
9 prior to the date the Court sets for the continued Case Management
10 Conference; and
- 11 3. Defendant's Motion to Dismiss Plaintiffs' First Amended Complaint
12 currently scheduled for March 15, 2012 shall be taken off calendar and
13 continued for approximately 60 days to June 28, 2012, at 2:00 p.m.

14 before the Honorable Judge Lucy H. Koh, United States District Court
15 Judge.

16 SO ORDERED.

17
18 DATED: March 8, 2012

19 
HON. LUCY H. KOH
U.S. DISTRICT COURT JUDGE